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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,840	10/29/2003	Takayuki Yajima	848075-0059	7845

29619 7590 02/10/2012  
SCHULTE ROTH & ZABEL LLP  
ATTN: JOEL E. LUTZKER  
919 THIRD AVENUE  
NEW YORK, NY 10022

EXAMINER
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SABOURI, MAZDA

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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02/10/2012

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/695,840	<b>Applicant(s)</b> YAJIMA, TAKAYUKI	
	<b>Examiner</b> MAZDA SABOURI	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2012.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-6, 17-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-6, 17-23 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1/12/2012 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 3-6, 17 and 26** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff) in view of US 2001/0016508 (Kido et al.).

**As to claim 26**, Mizuta teaches a portable terminal unit (500, fig 4a) comprising:

- A first housing (200, fig 4a) having a first surface (*surface on side of 200, fig 4A that doesn't have the main display 202*).
- A second housing (100, figs 4a) having a second surface (*surface on side having keys 102*).
- A coupling section (300, fig 4a) coupling the first housing and the second housing the coupling section permitting the first housing and the second housing to move with respect to each other between an opened state and a

closed state, wherein the first surface and the second surface face each other in the closed state; (see figures 9b-9d),

- A state detecting section (113, fig 6) for detecting the opened (fig 9B)/closed (fig 9D) state;
- A display (202, fig 4a) provided on an opposite surface of the first surface;
- A main operation section (102, fig 4a) provided on the second housing;
- an auxiliary operation section (207, fig 4a) provided on a surface other than the first surface and the second surface;

What is lacking from Mizuta is “a lock control section for rendering a part or all of said auxiliary operation section operative in the closed state and inoperative in the opened state”. Mizuta teaches that the auxiliary operation section is intended to be used in the closed (*closed/folded state as shown in fig 9d*) state (*see paragraphs 125 and 142*) but fails to teach deactivating the auxiliary operation section in the opened state and activating it in the closed state.

In a similar field of endeavor, Finke-Anlauff teaches a portable terminal unit that comprises a single display (4, *figs 1 and 2*), main operation section (10+11, *fig 2*) to be used in an open state, and an auxiliary operation section (9, *fig 2*) to be used in a closed state. Finke-Anlauff teaches that the auxiliary operation section is inoperative in the opened state but operative in the closed state (*see Finke-Anlauff, paragraph 19*).

It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Finke-Anlauff into those of Mizuta, to

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ensure efficient use of the portable terminal's battery power, by deactivating the auxiliary operation section when it is intended to be used.

What is lacking from Mizuta in view of Finke-Anlauff is the auxiliary operation section being "inoperative while the first and second housings are moving between the closed and opened state". As noted above, Mizuta teaches a fully opened (fig 9B) and fully closed (fig 9D) state detected by a state detection section (113, fig 6). However what Mizuta fails to explicitly teach is what state the portable terminal unit is in during its transition from fully closed to fully opened.

In analogous art, Kido teaches that when two housings of a portable terminal unit are moving between a fully closed to fully open state, the portable terminal unit can be deemed as being in an opened state (*absence of push switch 112 being pushed by projection 111, which can only occur in the fully closed state, the device is deemed to be opened, even before it was in the fully opened state, see Kido, paragraph 45*).

It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Kido into those of Mizuta in view of Finke-Anlauff so as to remove any ambiguity with respect to the state of the portable terminal unit as it moves between its fully closed and fully opened state.

**As to claim 3**, Finke-Anlauff further teaches that the auxiliary operation section is operative when both housings of the portable terminal unit are in the closed state (*folded*) and inoperative when both housings are in other states than the closed state (*unfolded*) (*see Finke-Anlauff, figs 1 and 2 and paragraph 19*). This teaching provides further detail to the teachings of Finke-Anlauff cited in the rejection of claim 1 above,

therefor the motivation to use this teaching is the same as the one mentioned in the rejection of claim 26 above.

**As to claim 4**, Finke-Anlauff further teaches that the auxiliary operation section is inoperative when both housings of the portable terminal unit are in the opened state (*unfolded*) and operative when both housings are in other states than the opened state (*folded*) (*see Finke-Anlauff, figs 1 and 2 and paragraph 19*). This teaching provides further detail to the teachings of Finke-Anlauff cited in the rejection of claim 1 above, therefor the motivation to use this teaching is the same as the one mentioned in the rejection of claim 26 above.

**As to claim 5**, Mizuta further teaches that the device is a mobile radiotelephone (*see paragraph 160*).

**As to claim 6**, Mizuta further teaches that the device is a personal digital assistant (*see paragraph 160*).

**As to claim 17**, Mizuta further teaches wherein the auxiliary operation section is disposed on a side surface of the portable terminal in a longitudinal direction of the first housing (*see paragraph 159*).

4. **Claims 18, 19, 21 and 23** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff) in view of US 2001/0016508 (Kido et al.) as applied to claim 26 above and further in view of Official Notice taken by Examiner.

**As to claims 18, 19 and 23**, Mizuta further teaches wherein the auxiliary operation section can be disposed on a side surface of the portable terminal in a

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longitudinal direction of the first housing (*see paragraph 159*). But Mizuta in view of Finke-Anlauff in view of Kido fails to teach the auxiliary operation section being disposed on an end portion of that side portion such that it would be in the vicinity of the connecting unit for connecting the first and second housing and not close to the main display section.

Examiner takes Official Notice that it was well known in the arts at the time the invention was made to put side keys near an end portion of an upper housing such that they would be in the vicinity of a connecting unit for connecting a first and second housing.

It would have been obvious to one of ordinary skill at the time the invention was made to combine this well-known teaching into Mizuta in view of Finke-Anlauff in view of Kido so as to put those side keys in a position that is easily accessible to the index fingers when holding the portable terminal unit.

**As to claim 21**, Mizuta in view of Finke-Anlauff in view of Kido fails to teach the auxiliary operation section having a lever switch.

Examiner takes official notice that lever switches were well known in the arts at the time the invention was made.

It would have been obvious to one of ordinary skill in the arts at the time the invention was made to utilize lever switches in the portable terminal taught by Mizuta in view of Finke-Anlauff, as lever switches can be used in place of conventional keys in shutting on or off certain functions, or increasing or decreasing aspects of the terminals such as volume and backlight intensity.

5. **Claims 20 and 22** rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0064758 (Mizuta et al.) in view of US 2002/0006815 (Finke-Anlauff) in view of US 2001/0016508 (Kido et al.) as applied to claim 26 above and further in view of US 6839101 (Shima).

**As to claim 20**, Mizuta further teaches wherein the auxiliary operation section can be disposed on a side surface of the portable terminal in a longitudinal direction of the first housing (*see paragraph 159*). What is lacking from Mizuta in view of Finke-Anlauff in view of Kido is wherein the auxiliary operation section being also disposed along the side of the second housing.

In a similar field of endeavor, Shima teaches side keys such as those taught by Mizuta being disposed along the side of a lower housing (*reads on the second housing of Mizuta, see Shima, figure 1a, element 103*).

It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Shima into those of Mizuta in view of Finke-Anlauff in view of Kido so as to provide for a larger auxiliary operating section by providing more surfaces from which to put the auxiliary operating section on.

**As to claim 22**, Mizuta further teaches wherein the auxiliary operation section can be disposed on a side surface of the portable terminal in a longitudinal direction of the first housing (*see paragraph 159*). What is lacking from Mizuta in view of Finke-Anlauff in view of Kido is wherein the auxiliary operation section being also disposed on the side opposite to the side surface as well.



In a similar field of endeavor, Shima teaches side keys such as those taught by Mizuta being disposed along both sides of a given housing (*see Shima, figure 1a, element 103*).

It would have been obvious to one of ordinary skill in the arts at the time the invention was made to combine the teachings of Shima into those of Mizuta in view of Finke-Anlauff in view of Kido so as to provide for a larger auxiliary operating section by providing more surfaces from which to put the auxiliary operating section on.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAZDA SABOURI whose telephone number is

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(571)272-8892. The examiner can normally be reached on Monday-Friday from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mazda Sabouri  
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